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DEPARTMENT OF FISH AND WILDLIFE
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January 15, 2015

Ms. Ashley Gungle
County of San Diego Planning and Development Services
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**Subject: Comments on the Final Programmatic Environmental Impact
Report/Environmental Impact Statement, Soitec Solar Development Project,
San Diego County, California; SCH # 2012-121-018**

Dear Ms. Gungle:

The California Department of Fish and Wildlife (Department) has reviewed the response to our March 3, 2014 comments on the draft of the above referenced document. The Department appreciates the opportunity to work with the County to refine the Soitec Solar Development Project (Proposed Project) and is providing the following comments to further that process. Our specific concerns are in regards to our prior comments that are labeled as S3-5, S3-6 S3-18, S3-32, S3-44, F1-5, and F1-6 in the FPEIR Response to Comments.

S3-5, S3-6, S3-18: The Department remains concerned with the significance determinations made in the DPEIR and FPEIR's alternatives analysis. The alternatives analysis assumes that the development of the Los Robles site under the environmentally superior alternative (alternative 7) would decrease the level of project impacts to biological resources. The Department previously expressed concern that absent site-specific biological information for the Los Robles site, including focused/current biological surveys, any biological comparisons between the Proposed Project and alternatives utilizing the Los Robles site are constrained. As an example, the preferred alternative's biological resources analysis states that the biological impacts associated with alternative 7 would result in fewer biological impacts because more flexibility in the site's configuration is afforded due to the larger site area of Los Robles, while a shorter, 0.5-mile underground gen-tie connection would be utilized over the Proposed Project's 6-mile long gen-tie line. This analysis does provide a meaningful comparison of the physical acreage of the Proposed Project and alternative 7 (wherein alternative 7 would result in a physically smaller footprint), but it does not allow a comparison of the biological and aquatic resources specific to Los Robles. Until a specific project configuration is established for Los Robles it cannot be known what biological resources could be directly or indirectly impacted. Absent site-specific biological surveys, the Department cannot conclude that the environmentally superior alternative would impact biological resources less than the Proposed Project.

Additionally, the Department acknowledges that project alternatives need not be analyzed to the same detail as the Proposed Project; however, given that alternative 7 is identified as the environmentally superior alternative the Department considers it an actionable alternative because it has been analyzed at a broad level within the alternatives analysis (Cal. Code Regs. § 15126 (f)(2)(C)). Should the Lead Agency select an alternative utilizing the Los Robles site, the Department recommends that the decision body not rely on the general analysis presented

in the alternatives analysis, but recommends a complete inventory of biota and aquatic resources for Los Robles prior to approving any action that could result in impacts to biological resources on the Los Robles site. As stated in the County's responses (S3-6), "...the County agrees that a subsequent CEQA document would be required for development of the Los Robles, LanEast, and LanWest sites". The Department expects that such subsequent review for these sites would cover impacts to biological resources based on the specific development footprints and include updated habitat mapping, current surveys for wildlife and plant species, and site-specific mitigation measures to offset impacts. We also recommend that the subsequent review also analyze how development of the Los Robles and other sites would impact mitigation lands for the Rugged Solar and Tierra del Sol sites, including direct and indirect effects to habitat and wildlife movement. In summary, the Department recommends that the Lead Agency identify in the FPEIR that additional biological analysis based on updated surveys would be required as part of the subsequent CEQA analysis for the Los Robles, LanEast and LanWest sites, and that it would cover the issues identified above.

S3-32, F1-5, F1-6: The Department appreciates the incorporation of a bird and bat monitoring program. The Department recommends that the bird and bat monitoring plan be incorporated as a condition of approval. The Lead Agency, Department, U.S. Fish and Wildlife Service, and the project proponent should work collaboratively in developing the plan to collect data, using consistent methodology, to allow for a comparison between the Proposed Project and future developments. By providing data which can be meaningfully referenced, the Lead Agency and resource stewards can better inform resource management decisions.

S3-44: The Lead Agency has identified that a weekly nest monitoring log will be submitted to the Department so that "...changes in nesting behavior related to nest buffers will be tracked and remedial actions, such as increasing the nest buffer, can be implemented." The Department is willing to assist in the review of the nest monitoring logs; however, since the Department does not prescribe the ultimate nest buffer, the Lead Agency or qualified avian biologist needs to also review the nest monitoring log when setting nest buffers.

Thank you for this opportunity to review the responses to comments. Questions regarding this letter and further coordination regarding these issues should be directed to Eric Weiss, Staff Environmental Scientist at (858) 467-4289 or Eric.Weiss@wildlife.ca.gov.

Sincerely,



Betty J Courtney
Environmental Program Manager I
South Coast Region

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